

EXHIBIT 1

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

JESSICA BENNA
Plaintiff

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VS.

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T-MOBILE USA, INC.
Defendant

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PETITION

PLAINTIFF, by counsel, sets forth her Petition against Defendant as follows:

1. The events giving rise to this cause of action occurred in Greene County, Missouri.
2. The amount in controversy exceeds \$25,000.00.
3. Plaintiff is a natural person residing in Greene County, Missouri.
4. Defendant is a Corporation doing business in Greene County, Missouri.
5. Plaintiff was an employee of Defendant between February 2018 and November 2019.
6. During Plaintiff's employment by Defendant, Plaintiff worked at Defendant's call center at 2645 N. Airport Plaza Ave., Springfield, Missouri.
7. During Plaintiff's employment by Defendant, Defendant employed more than 50 people within 75 miles of Plaintiff's primary place of work.
8. Plaintiff worked for Defendant for over 1,250 hours in the year immediately preceding the end of Plaintiff's employment with Defendant.

Count I – Missouri Human Rights Act

9. Plaintiff incorporates by reference paragraphs 1-8 above.
10. Plaintiff has bipolar disorder, which substantially impairs one or more of her major life activities.
11. Plaintiff takes medication for the above condition.
12. Plaintiff was fully able to perform the essential functions of her employment with Defendant.
13. Defendant was aware of Plaintiff's condition and need for medication.
14. Defendant terminated Plaintiff's employment on or about November 21, 2019.

15. Defendant terminated Plaintiff's employment because of Plaintiff's bipolar disorder.
16. As a result of Defendant's actions, Plaintiff has been damaged.
17. Defendant's actions were made with reckless indifference or evil motive.
18. On or about January 16, 2020 Plaintiff filed a charge of discrimination with the Missouri Commission on Human Rights. A true and accurate copy is attached hereto as Exhibit 1 and incorporated herein by reference.
19. On July 15, 2020 the Missouri Commission on Human Rights issued Plaintiff a Notice of Right to Sue. A true and accurate copy is attached hereto as Exhibit 2.

WHEREFORE Plaintiff prays the Court for judgment against Defendant for Plaintiff's damages, including lost wages, emotional distress and punitive damages, costs, attorney fees, and such other relief as is just and proper.

Count II – Family and Medical Leave Act

20. Plaintiff incorporates by reference paragraphs 1-19 above.
21. This count is brought pursuant to the Family and Medical Leave Act, 26 USC 2601 et seq. ("FMLA" or "The Act")
22. Plaintiff requested from Defendant and was granted intermittent leave under the Family and Medical Leave Act during 2019.
23. The intermittent leave was in order for Plaintiff to obtain care for her above-stated bipolar disorder and related symptoms.
24. Plaintiff took intermittent leave under FMLA in March, June, and July of 2019.
25. In October 2019 Plaintiff took another period of FMLA leave in order to adjust to new medication.
26. Said leave was approved by Defendant.
27. While Plaintiff was on approved FMLA leave, Defendant terminated Plaintiff's employment on or about November 19, 2019.
28. Defendant's termination of Plaintiff's employment was in retaliation for Plaintiff exercising her rights under the Family and Medical Leave Act.
29. Defendant's actions interfered in Plaintiff's right to seek and obtain leave pursuant to the Act.
30. As a result of Defendant's actions, Plaintiff has been damaged.
31. Defendant's actions constitute a willful violation of Plaintiff's rights under FMLA.

WHEREFORE Plaintiff prays the Court for judgment against Defendant for Plaintiff's damages, including lost wages, emotional distress, liquidated and punitive damages, costs, attorney fees and such other relief as is just and proper.

LAMPERT LAW OFFICE, LLC

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Summons in Civil Case